

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

TOM GLEASON AND JULIE
GLEASON

v.

MARKEL AMERICAN INSURANCE
COMPANY

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§

CIVIL ACTION NO. _____

NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

Defendant Markel American Insurance Company files this Notice of Removal (“Notice”) pursuant to 28 U.S.C. §1446(a) and respectfully show the Court as follows:

PROCEDURAL BACKGROUND

1. On or about February 3, 2017, Plaintiffs filed Plaintiffs’ Original Petition in the matter styled Cause No. 366-00541-2017: *Tom Gleason and Julie Gleason v. Markel American Insurance Company*; In the 366th Judicial District Court of Collin County, Texas (the “State Action”). This is an insurance coverage lawsuit in which Plaintiffs Tom Gleason and Julie Gleason (“Plaintiffs”) allege that Markel American Insurance Company failed to defend and indemnify them from and against claims filed in a certain underlying lawsuit. Plaintiffs did not make a jury demand in the State Action.

BASIS FOR REMOVAL

2. Removal is proper under 28 U.S.C. §§ 1332(a)(1), 1441(a), and 1446. There is complete diversity of citizenship and the amount in controversy is above the required limit.

3. In Plaintiffs’ Original Petition, Plaintiffs seek damages in the form of monetary relief in excess of \$1,000,000.00. Plaintiffs also seek exemplary damages, statutory additional damages,

legal fees, pre- and post-judgment interest, court costs, and other relief to which Plaintiffs allege that they are entitled.

4. Upon information and belief, Plaintiff Tom Gleason resides in the City of McKinney and in Collin County, Texas.

5. Upon information and belief, Plaintiff Julie Gleason resides in the City of McKinney and in Collin County, Texas.

6. Defendant Markel American Insurance Company is incorporated in Virginia with its principal place of business in Virginia.

THE REMOVAL IS PROCEDURALLY CORRECT

8. Plaintiffs served Defendant Markel American Insurance Company with process through the CT Corporation System on February 9, 2017. Accordingly, this Notice of Removal is timely. 28 U.S.C. §1446(b).

9. Venue is proper in this district under 28 U.S.C. §1446(a) because this district and division embrace the place in which the removed action has been pending and because a substantial part of the events giving rise to the Plaintiffs' claims allegedly occurred in this district.

10. Pursuant to 28 U.S.C. §1446(a), all pleadings, process, orders, and all other filings in the State Action are attached to this Notice.

11. Pursuant to 28 U.S.C. §1446(d), promptly after Defendants file this Notice, written notice of the filing will be given to Plaintiffs, the adverse party.

12. Pursuant to 28 U.S.C. §1446(d), a true and correct copy of this Notice of Removal will be filed with the Clerk of Collin County, promptly after Markel American Insurance Company files this Notice.

13. Pursuant to Federal Rule of Civil Procedure 81(c)(2)(C), Markel American Insurance Company shall file its within seven (7) days after the filing of this Notice.

CONCLUSION

14. Based upon the foregoing and the other documents filed contemporaneously with this Notice, all fully incorporated herein by reference, Defendant Markel American Insurance Company hereby removes this case to this Court for trial and determination.

Respectfully submitted,

WOJCIECHOWSKI & ASSOCIATES, P.C.

/S/ Marc J. Wojciechowski .

Marc J. Wojciechowski

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COUNSEL FOR DEFENDANT,

MARKEL AMERICAN INSURANCE

COMPANY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished to all counsel and/or parties of record, pursuant to the Federal Rules of Civil Procedure, on this, the 6th day of March, 2017.

/S/ Marc J. Wojciechowski .

Marc J. Wojciechowski